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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,327	10/30/2001	Evan Nielsen	66386-271-7	3550

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EXAMINER

ELLINGTON, ALANDRA

ART UNIT PAPER NUMBER

2855

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,327

Applicant(s)

NIELSEN, EVAN

Examiner

Alandra N Ellington

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “predetermined surface area” and “projection” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites “to their projection on a face” which makes the statement unclear and ambiguous, due to the element not being previously mentioned.

Claim 22 recites “at ground level in an airport” which makes the statement unclear and ambiguous. Why does the apparatus have to be at ground level in an airport? Does the apparatus perform effectively in other settings besides an airport?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenblatt et al in view of Rasmussen et al.

Greenblatt et al discloses an apparatus 10 comprising a surface element 21, measurement device 50, heating means 26, cover 14, first position of the cover 34, second position of the cover (col. 4 lines 27-38 {24}), weighing device 50, rotor element 20, closed space 34, projection 80, passageways (col. 4 lines 22-23), recording means of measurement results 70, visual/audio monitoring of measurements 71,72, fittings 18,56, and housing 81. However, Greenblatt et al does not specifically teach a plurality of surface elements, plate with front and back ends, rotor shaft, blower, driving unit, and means for rotating the rotor shaft (cl 11-cl 23).

Rasmussen et al teaches a plurality of surface elements 410, plate 110 with front (112) and back ends ({Figs. 1,2}), blower 132, driving unit 131, rotor shaft 111, and means for rotating the rotor shaft (col. 5 lines 21-30) for the purpose of maintaining a thermal plate at a substantially constant temperature (cl 11-cl 23).

Since Greenblatt et al and Rasmussen et al are both from the same field of endeavor, the purpose disclosed by Rasmussen et al would have been recognized in the pertinent art of Greenblatt et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Greenblatt et al with the teachings of Rasmussen et al as noted above to include a plurality of surface elements, plate with front and back ends, blower, driving

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unit, rotor shaft, and means for rotating the rotor shaft for the purpose of maintaining a thermal plate at a substantially constant temperature.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Solheim et al. U.S. Patent No. 6,377,207 discloses a passive polarimetric microwave radiometer for detecting aircraft icing conditions.
2. Gilbert et al. U.S. Patent No. 6,038,920 discloses a precipitation measuring system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra N. Ellington whose telephone number is (703)305-4449. The examiner can normally be reached on Monday - Friday, 6:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on (703)308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703)306-7725 for regular communications and (703)305-3839 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.

Alandra Ellington
A.U. 2855

ANE
August 23, 2002


Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800

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